

SUPREME COURT SETTLES QUESTION OF RESIDENCE

**Must Have Lived
In Hawaii One
Year.**

**MALIHINIS CAN
NOT VOTE NOW**

**Decision in the Loucks Case
Crushes Hopes of the
Newcomers.**

To vote at the coming election one must have resided in Hawaii for a year before the time of registering. So decided the Supreme Court yesterday and the matter which has been so much agitated of late is definitely settled.

The decision came in the case brought by Frank Loucks against the Board of Registration to compel the Board to register him despite the fact that he had been in the Islands less than a year. Loucks contended that according to Section 1859 of the Revised Statutes of the United States all American citizens who were in the Territory at the time of its organization had the right to vote at the first election. Lorin Andrews who presented the case for the Board held that Section 60 of the Organic Act must be held to be in force despite the terms of the old statute and that where they conflict that Section 60 should control as it was passed with the view of meeting the particular needs of this Territory.

The decision is important as it involves the question of the right to vote of all American citizens who have been in the Islands since June 14th last. The opinion quotes the language of the Organic Act wherein it provides for registration of all voters and that they must have been in the Islands for at least a year before registering. The section of the Revised Statutes under which the contention is made that all Americans could vote is also quoted and then the opinion says:

"The Organic Act covers the entire subject of elections in Hawaii in minute detail. If there is anything clear from the whole act, it is that Congress meant to provide for the election of members of the Territorial legislature. There is nothing whatever in the act itself to indicate that Section 60 was not intended to apply to the first election. On the contrary if Section 1859 of the Revised Statutes should be held to apply it would be necessary to hold that not only Section 60 but other sections such as Section 18 which provides that persons convicted of certain criminal offenses and certain other persons shall neither vote nor hold office under this government do not apply to the first election, although there is nothing in those sections to so indicate and Section 104 expressly provides that they shall take effect within 45 days after their approval.

"On the other hand Section 1859 may be satisfactorily explained consistently with this view. That section was intended to provide for Territories created where there was previously no local government or provision for elections and where Congress intended to leave it to the people of the Territory to enact their own election laws. . . . Hawaii had already a local government with a system of election laws. These laws were for the most part substantially reenacted by Congress in the Organic Act. Congress did not intend to leave it to the local legislature to determine the qualifications of voters after the first election and there was no necessity for its providing the qualifications for the first election, that is, before the local legislature could have an opportunity to so provide itself. On account of peculiar conditions here Congress deemed it best to prescribe itself the qualifications of voters at all elections.

The court goes on to hold that the Organic Act is a later and more particular statute than the one relied on in the Revised Statutes and hence it should control.

Going on the Court says: "Special emphasis is laid upon the requirement of Section 60 that the applicant must have resided in the Territory not less than one year. It is contended that this does not mean the Hawaiian Islands but that it can only mean the 'Territory' strictly speaking and that since the Territory was not established until the 14th of June last, no one could under this section vote at the first election which is to be held in November next, and that therefore Congress must have intended that Section 1859 should apply to the first election. It may be contended that it would have been more appropriate to have said 'Hawaiian Islands' here than 'Territory' and that in most other sections of the Act the words 'Hawaiian Islands' and 'Territory' are used appropriately. . . . But the word 'Territory' is used in the Act with reference to the Islands rather than the government and 'Territory' 'Hawaii' and 'Hawaiian Islands' are used interchangeably to some extent, and it would be very natural to interpret 'Territory' where 'Hawaiian Islands' would be more appropriate, the attention for the time not being directed, especially to the circumstances of any particular election. No uniformity is found in the Act in the use of these terms.

"It is clear from a consideration of the Organic Act as compared with the chapter of the Revised Statutes referred to, that Section 60 of the former and not Section 1859 of the latter was intended to apply. Section 60 should, therefore, if possible, be so construed as to apply. The word 'Territory'

might very naturally have been used as meaning the territory or islands making up the Territory and not with any special reference to the time when a territorial government was established here, the attention not having been especially directed to the circumstances of any particular election, and all elections to take place only after the establishment of the territorial government. In our opinion the clear intention may be given effect consistently with the language of Section 60 and therefore should be given effect. The appeal is dismissed and the decision of the Board of Registration refusing to register the name of the applicant is affirmed."

The opinion was written by Chief Justice W. F. Frear and concurred in by Justices Galbraith and Perry.

REPUBLICANS AT KAILUA.

How the Second District Made its Nominations on Hawaii.

The Republican convention of the Second District was held in Kailua, Hawaii, on the 29th day of September, 1900.

There were twenty-four members present. Mr. H. Holstein and J. D. Paria were unanimously nominated for the Senate, and the secretary was instructed to cast the ballots for the nominees. When the nominations for the Representative candidates were in order, the following names were proposed: C. K. Sullivan, E. A. Fraser, J. C. Leihart, W. J. Wright, G. P. Kamaooha, J. H. S. Martin and J. Monsarratt. A vote by ballot was adopted to decide the matter, and after the ballots were counted the chairman announced the following as the nominees: E. A. Fraser, J. C. Leihart, G. P. Kamaooha and J. Monsarratt. Speeches by the candidates followed the nominations, and before the motion of adjournment was put in order a resolution endorsing the candidates for Senators passed by the First District was adopted.

Mr. H. L. Holstein writes as follows: "We had a very successful meeting, and from the enthusiasm shown so far it is a foregone conclusion that the Republican ticket will win hands down."

Holstein made the following forcible speech after his nomination: "Fellow Delegates—You have conferred on me a great honor in nominating me as one of your candidates for the Senate. I am proud of being a Hawaiian born to be an American citizen, prouder to be a Republican, and when you have unanimously selected me as one of your standard bearers, you cannot realize nor can I express the gratitude which I feel towards you for having conferred the honor on me. I can only say to you in the simplest phrase, I thank you from the bottom of my heart."

"The coming issue is not one of merely partisan importance. For the election of good men to the Legislature, honest Republicans can rightly ask all independent and public spirited citizens to unite with them. To put up a good Legislature it will be necessary that every good citizen do his whole political duty. No man should shrink from it. Those who have not yet joined the Republican club of this district should attend to that duty. The victory is not going to be won by the talking of honest politics on the street corners, but by getting out and working for it. I would be pleased, fellow delegates, to receive a message from you on election day, that the Second District has joined her sisters in overwhelmingly voting the Republican ticket."

"The ticket you have framed of both Senators and Representatives is bound to win. They are men endowed with all the qualifications necessary as legislators, the majority having had practical experience in the legislative halls in the days gone by. The people will certainly vote for men who are qualified, experienced, and who have the confidence of the business community of the country, rather than for those who are running for the office solely upon the ground of opposing the policy who helped them to get the political advantages they now enjoy. The platform is before us, promulgated by your representatives in the convention of the 24th instant.

"It will be my duty to support each and every plank in that document, and while we return home to our respective districts to work for the ticket, let us not be unmindful of the fact, that the earnest prayer of all loyal Americans in Hawaii is 'God speed the Republican party, and bless its candidate to Congress.'"

Ashes of Plague Victims.

The ashes of eighteen persons who died of the plague and whose bodies were cremated reposed on the desk of Dr. Garvin's office at the rooms of the Board of Health yesterday. They were enclosed in large hermetically sealed tin cans and were prosaically labeled with the name of the individual of which they are all that is left and the date of death and of cremation. They are kept at the Board of Health rooms awaiting the pleasure of the friends of the deceased.

IT HAPPENED IN A DRUG STORE.

"One day last winter a lady came to my drug store and asked for a brand of cough medicine that I did not have in stock," says Mr. C. R. Grandin, the popular druggist of Ontario, N. Y. "She was disappointed and wanted to know what cough preparation I could recommend. I said to her that I could freely recommend Chamberlain's Cough Remedy and that she could take a bottle of the remedy and after giving it a fair trial if she did not find it worth the money to bring back the bottle and I would refund the price. In the course of a day or two the lady came back in company with a friend in need of a cough medicine and advised her to buy a bottle of Chamberlain's Cough Remedy. I consider that a very good recommendation for the remedy." The remedy owes its great popularity and extensive sale in a large measure to the personal recommendations of people who have been cured by its use. It is for sale by all dealers and druggists. Benson, Smith & Co., Ltd., agents, Hawaiian Territory.

Rev. W. Ash of Wailuku, Maui, is in the city for the purpose of raising funds for the Episcopal church in that place.

**Steamboat Is Not
Right Kind Of
Life.**

**TARS MUST LIVE
ASHORE TO VOTE**

**The Inter-Island Sailors Will Cast
no Ballots in Election
This Fall.**

Sailors on the boats plying between Honolulu and the other Islands of the group will not be allowed to vote at the coming election, according to an opinion handed down by the Supreme Court yesterday. According to this a sailor who has no home but his cabin on the steamer on which he is employed is completely disfranchised and cannot vote anywhere.

The question was brought before the court in the case of Joseph Irving. Irving was a sailor on the steamer Iwaland plying between this port and other Islands of the group. He lived on the boat and her permanent berth was at the Inter-Island wharf in the harbor. Irving asked to be registered last week but was refused because he had no permanent place of abode in the Sixth precinct, in which he claimed residence.

"For the purpose of this case," the Court says, "it is not necessary to determine whether 'residence' as used in Section 60 of the Organic Act is equivalent to domicile. However from the authorities we do reach the conclusion that a house of brick or of stone or even of wood is not essential to enable one to become a resident of a precinct and a qualified voter therein."

"He might live in a tent, in a grass hut out in the open canopyed by the 'silent stars.' But there must be some definite and permanent place designated and occupied in order to entitle one to clothe the same with the rights and privileges surrounding the residence or domicile of a freeman. Clearly one could not reside in a wagon or building on wheels and move the same from precinct to precinct and establish a residence in any voting precinct unless his wagon or place of abode remained in the precinct the length of time required by law."

"The record shows that the residence of the appellant for the past seven months has been on the steamer Iwaland, in a 'fixed and permanent room' that this steamer is engaged in the inter-island trade, her home port is Honolulu and when here she is docked at a wharf in the harbor designated as one of the boundaries of the Sixth precinct. It is clear from this statement that when the 'Iwaland' goes to Lahaina or some other port that the 'fixed and permanent room' the residence of the appellant aboard the steamer goes also, and that his residence during the time the steamer is away is not at Honolulu and within the Sixth precinct as claimed."

Several decisions are quoted by the court which are in point, whereby it is held that a seaman retains his domicile of origin although he is regularly employed on a steamer unless by actual residence he acquires a domicile elsewhere, and that residence upon a steamer has none of the characteristics of a fixed or permanent abode. The court therefore holds that "the contention of the appellant cannot be maintained for the reason that he has not established a voting residence in the precinct." The appeal is dismissed with costs. The opinion is written by Chief Justice Frear and Justice Perry.

A HONOLULU MAN

Talks of Doan's Backache Kidney Pills.

When an incident like the following occurs here at home it is bound to carry weight with our readers. The public statement of a reputable citizen living in this city leaves no ground for the skeptic to stand on.

Mr. James C. Stevens, of this city, informs us: "I was troubled with an ache in the small of my back for a long time, and such was the condition of things until I tried some of Doan's Backache Kidney Pills, which I obtained at the Hollister Drug Co's store. A short treatment gave me the desired relief, and I am satisfied that they are a good remedy for backache and deserve to be recommended."

Mr. Stevens is one of our own citizens. Is not such testimony stronger than that of someone living in America?

Does your back or side ache so that it is hard to stand straight? Do you have headaches, nervousness, frequent thirst, hot, dry skin, or shortness of sleep? Are your eyelids distended or breath? Evil forebodings, or unsettled sleep? Are your eyelids distended or feet and ankles swollen and have you lost flesh? Are the secretions from the kidneys thick, dark colored, and do they deposit a sediment? Kidney disease is insidious and if you leave any of these symptoms you should treat them at once. Delay may mean you can't be cured.

Doan's Backache Kidney Pills are sold by all chemists and store keepers at 10 cents per box, six boxes \$2.50, or will be mailed on receipt of price by the Hollister Drug Co., Honolulu, wholesale agents for the Hawaiian Islands.

Sleep for Skin-Tortured Babies And Rest for Tired Mothers



In a warm bath with CUTICURA SOAP and a single anointing with CUTICURA, purest of emollients and greatest of skin cures. This is the purest, sweetest, most speedy, permanent, and economical treatment for torturing, disfiguring, itching, burning, bleeding, scaly, crusted, and pimply skin and scalp humours, with loss of hair of infants and children, and is sure to succeed when all else fails.

Complete External and Internal Treatment for Every Humour. Consisting of CUTICURA SOAP, to cleanse the skin of crusts and scales, CUTICURA Ointment, to soothe and heal, and CUTICURA RESOLVENT, to cool and cleanse the blood. A few drops of this often sufficient to cure the severest humours when all else fails. Aust. Depot: H. T. Jones & Co., Sydney, N. S. W. So. African Depot: Lee and Lobb, Cape Town. British Colonies: John P. Morgan, London, U. S. A.

**Send Your Special Orders
FOR**

Fancy Breeding Stock

VEHICLES, HARNESS, ETC.,

TO

Honolulu Stock Yards Company, Limited.

We buy, sell and exchange anything in our line on commission. Correspondence solicited. Questions gladly answered. Information freely given.

Honolulu Stock-Yards Co.

LIMITED.

W. H. RICE, President

W. S. WITHERS, Manager.

HONOLULU, H. I.

RAMBLER BICYCLES! \$40.00.

**Old Wheels Taken as Part Payment.
Also, Sold On INSTALLMENTS.**

E. O. HALL & SON, LTD.

BICYCLE DEPARTMENT.

KING STREET, Next to Bulletin Office.

G. N. WILCOX, President, J. F. HACKFELD, Vice President.
E. B. HUR, Secretary and Treasurer, T. MAY, Auditor.

PACIFIC GUANO AND FERTILIZER CO.

POST OFFICE BOX 484—MUTUAL TELEPHONE 467

We Are Prepared to Fill All Orders for

Artificial Fertilizers.

ALSO, CONSTANTLY ON HAND—
PACIFIC GUANO, PUTASH, SULPHATE OF AMMONIA
NITRATE OF SODA, CALCINED FERTILIZER,
SALT, ETC., ETC., ETC.

Special attention given to analysis of soils by our agricultural chemist. For further particulars apply to
DR. W. AYERMAN, Manager.

Pacific Guano and Fertilizer Company

INSURANCE.

Theo. H. Davies & Co.
(Limited.)

**AGENTS FOR FIRE, LIFE AND
MARINE INSURANCE.**

**Northern Assurance Company,
OF LONDON, FOR FIRE AND
LIFE. Established 1836.
Accumulated Funds . . . £3,975,000.**

**British and Foreign Marine Ins. Co.
OF LIVERPOOL, FOR MARINE.
Capital . . . £1,000,000.**

Reduction of Rates.
Immediate Payment of Claims.

**THEO. H. DAVIES & CO., LTD.
AGENTS**

Hamburg-Bremen Fire Insurance Co

The undersigned having been appointed agents of the above company are prepared to insure risks against fire on Stone and Brick Buildings and on Merchandise stored therein on the most favorable terms. For particulars apply at the office of
F. A. SCHAEFER & CO., Agts.

**German Lloyd Marine Insur'ce Co
OF BERLIN.**

**Fortuna General Insurance Co
OF BERLIN.**

The above Insurance Companies have established a general agency here, and the undersigned, general agents, are authorized to take risks against the dangers of the sea at the most reasonable rates and on the most favorable terms.
F. A. SCHAEFER & CO.,
General Agents.

**General Insurance Co. for Sea,
River and Land Transport
of Dresden.**

Having established an agency at Honolulu and the Hawaiian Islands, the undersigned general agents are authorized to take risks against the dangers of the sea at the most reasonable rates and on the most favorable terms.
F. A. SCHAEFER & CO.,
Agents for the Hawaiian Islands.

TRANS-ATLANTIC FIRE INS. CO. OF HAMBURG.

Capital of the Company
and reserve, reinsurance
companies . . . 6,000,000
Total reinsurance . . . 104,650,000

North German Fire Insurance Co. OF HAMBURG.

Capital of the Company
and reserve, reinsurance
companies . . . 8,890,000
Total reinsurance . . . 35,000,000
Total reinsurance . . . 43,890,000

The undersigned, general agents of the above two companies, for the Hawaiian Islands, are prepared to insure Buildings, Furniture, Merchandise and Produce, Machinery, etc.; also Sugar and Rice Mills, and Vessels in the harbor, against loss or damage by fire on the most favorable terms.

H. HACKFELD & CO., Limited

CANADIAN PACIFIC RAILWAY

The Famous Tourist Route of the World.

In Connection With the Canadian-Australian
Steamship Line Tickets Are Issued
To All Points in the United States
and Canada, via Victoria and
Vancouver.

**MOUNTAIN RESORTS:
Banff, Glacier, Mount Stephen
and Fraser Canon.**

Empress Line of Steamers from Vancouver
Tickets to All Points in Japan, China, India
and Around the World.

For tickets and general information apply to
THEO. H. DAVIES & CO., LTD.
Agents Canadian-Australian S. S. Line,
Canadian Pacific Railway.

Castle & Cooke, —LIMITED—

**LIFE and FIRE
INSURANCE
AGENTS. . .**

AGENTS FOR

**New England Mutual Life Insurance Co
OF BOSTON.**

**Aetna Life Insurance Company
OF HARTFORD.**

CLARKE'S 8 41 PILLS are warranted to cure all cases of Biliousness, Headache, Indigestion, Constipation, etc., and all other ailments of the bowels. Price 25 cents. Sold by all druggists. Beware of cheap imitations. The name is on the wrapper.